

**U.S. Pat. Appl. Ser. No. 10/088,146  
Attorney Docket No. 10191/2215  
Reply to Office Action of October 5, 2004**

**REMARKS**

Claims 30 to 73 are now pending. It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and that papers submitted under 35 U.S.C. § 119 have been placed of record in the file, and the indication that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper, and cited references.

It is respectfully requested that the Examiner acknowledge whether the Drawings are acceptable.

With respect to paragraph five (5) of the Office Action, claims 30, 47, and 53 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claims 31 to 46 were rejected as depending from claim 30. Claims 48 to 52 were rejected as depending from claim 47. Claims 54 to 60 were rejected as depending from claim 53.

While the rejections may not be agreed with, to facilitate matters, claims 30, 47, and 53 now recite “a message,” instead of “a third message.” Withdrawal of the indefiniteness rejections is therefore respectfully requested.

With respect to paragraph eight (8), claims 61 to 73 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,893,035 (the “Chen” reference).

As regards the anticipation rejections of the claims, to reject a claim under 35 U.S.C. § 102, the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (See Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (See Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

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Claim 61 as presented relates to a method of transmitting a message element and provides for “transmitting information with the message element regarding whether data to be sent is processed . . . to increase a reception quality.”

Claim 66 as presented relates to a method of transmitting a message element and provides for “transmitting information with the message element regarding [which one or] which ones of at least one type of processing of signals to be sent are supported [by transmitting stations] . . . to increase a reception quality.”

Claim 70 as presented relates to a method of transmitting a message element and provides for “transmitting information with the message element regarding which types of processing of signals to be sent . . . are supported” by a receiving station.

While the “Chen” reference may refer to a receiving station that sends an error message back to one or more transmitting stations so that the error message may be used to determine how a subsequent transmission should be made, any review of it makes plain that it does not identically disclose (or even suggest) the features of transmitting information with a message element regarding (a) whether data to be sent is processed to increase reception quality, (b) which processing of signals to be sent is supported by transmitting stations, or (c) which types of processing of signals to be sent are supported by a receiving station. Rather the error message of the “Chen” reference provides information regarding whether a frame had been erased. Column 6, lines 46 to 48.

Thus, the “Chen” reference does not identically disclose (or even suggest) each feature of claims 61, 66, and 70, so that it does not anticipate claims 61, 66, and 70.

Claims 62 to 65 depend from claim 61 and are therefore allowable for the same reasons as claim 61.

Claims 67 to 69 depend from claim 66 and are therefore allowable for the same reasons as claim 66.

Claims 71 to 73 depend from claim 70 and are therefore allowable for the same reasons as claim 70.

Accordingly, claims 30 to 73 are allowable.

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**Conclusion**

In view of the foregoing, it is respectfully submitted that all of claims 30 to 73 are allowable. It is therefore respectfully requested that the rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

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Respectfully submitted,

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